

FILED

U.S. DISTRICT COURT
DISTRICT OF NEBRASKA

2023 AUG 31 PM 4:24

UNITED STATES DISTRICT COURT

for the

District of

OFFICE OF THE CLERK

Division

Case No.

8:23CV391

(to be filled in by the Clerk's Office)

Angela Parato

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint.
 If the names of all the plaintiffs cannot fit in the space above,
 please write "see attached" in the space and attach an additional
 page with the full list of names.)

-v-

CITY OF OMAHA, a political subdivision of the
State of Nebraska;JEAN STOTHERT, Mayor of the City of Omaha;
TODD SCHMADERER, Chief of Police of the City

Defendant(s)

(Write the full name of each defendant who is being sued. If the
 names of all the defendants cannot fit in the space above, please
 write "see attached" in the space and attach an additional page
 with the full list of names.)

COMPLAINT AND REQUEST FOR INJUNCTION

I. The Parties to This Complaint

A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	Angela B. Parato
Street Address	1009 Leavenworth St. #402
City and County	Omaha, NE
State and Zip Code	68102
Telephone Number	408-835-9166
E-mail Address	

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CLERK
U.S. DISTRICT COURT

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (*if known*). Attach additional pages if needed.

Defendant No. 1

Name	City of Omaha, a political subdivision of the State of Nebraska
Job or Title (<i>if known</i>)	
Street Address	
City and County	
State and Zip Code	
Telephone Number	
E-mail Address (<i>if known</i>)	

Defendant No. 2

Name	Jean Stothert
Job or Title (<i>if known</i>)	Mayor of the City of Omaha
Street Address	
City and County	
State and Zip Code	
Telephone Number	
E-mail Address (<i>if known</i>)	

Defendant No. 3

Name	Todd Schmaderer
Job or Title (<i>if known</i>)	Chief of Police of the City of Omaha
Street Address	
City and County	
State and Zip Code	
Telephone Number	
E-mail Address (<i>if known</i>)	

Defendant No. 4

Name	Brian Schmaderer
Job or Title (<i>if known</i>)	Police Officer of the City of Omaha
Street Address	
City and County	
State and Zip Code	
Telephone Number	

Additions

I. The Parties to This Complaint

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known). Attach additional pages if needed.

Defendant No. 5

Lukas Brazier

Police Officer/Employee of the City of Omaha and in his individual capacity

Defendant No. 6

Kristin Mraz

Police Officer/Employee of the City of Omaha and in her individual capacity

Defendant No. 7

Reginald Johnson

Impound Lot Manager/Employee for the City of Omaha and in his individual capacity

Defendant No. 8

Shaun Moppin

Employee for the City of Omaha and in his individual capacity

Defendant No. 9

Michelle Peters

Attorney/Employee for/of the City of Omaha and her individual capacity

Defendant No. 10

Marty Bilek

Mayor's Chief of Staff/Employee for/of the City of Omaha and in his individual capacity

Additions

Defendant No. 11

Thomas Warren

Mayor's Chief of Staff/Employee for/of the
City of Omaha and in his individual capacity

E-mail Address (*if known*)

II. Basis for Jurisdiction

Federal courts are courts of limited jurisdiction (limited power). Generally, only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case arising under the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one State sues a citizen of another State or nation and the amount at stake is more than \$75,000 is a diversity of citizenship case. In a diversity of citizenship case, no defendant may be a citizen of the same State as any plaintiff.

What is the basis for federal court jurisdiction? (*check all that apply*)

- Federal question Diversity of citizenship

Fill out the paragraphs in this section that apply to this case.

A. If the Basis for Jurisdiction Is a Federal Question

List the specific federal statutes, federal treaties, and/or provisions of the United States Constitution that are at issue in this case.

14th Amendment of the U.S. Constitution

B. If the Basis for Jurisdiction Is Diversity of Citizenship

1. The Plaintiff(s)

a. If the plaintiff is an individual

The plaintiff, (*name*) Angela Parato , is a citizen of the
State of (*name*) California

b. If the plaintiff is a corporation

The plaintiff, (*name*) , is incorporated
under the laws of the State of (*name*)
and has its principal place of business in the State of (*name*)

(*If more than one plaintiff is named in the complaint, attach an additional page providing the same information for each additional plaintiff.*)

2. The Defendant(s)

a. If the defendant is an individual

The defendant, (*name*) Jean Stothert , is a citizen of

the State of *(name)* Nebraska
(foreign nation)

. Or is a citizen of

b. If the defendant is a corporation

The defendant, *(name)* City of Omaha

, is incorporated under

the laws of the State of *(name)* Nebraska

, and has its

principal place of business in the State of *(name)* Nebraska

Or is incorporated under the laws of *(foreign nation)*

and has its principal place of business in *(name)*

(If more than one defendant is named in the complaint, attach an additional page providing the same information for each additional defendant.)

3. The Amount in Controversy

The amount in controversy—the amount the plaintiff claims the defendant owes or the amount at stake—is more than \$75,000, not counting interest and costs of court, because *(explain)*:

III. Statement of Claim

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the injunction or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

A. Where did the events giving rise to your claim(s) occur?

City of Omaha, specifically, parking in front of the Condominium Complex located at 11th St. and Leavenworth Streets, Omaha, NE.

B. What date and approximate time did the events giving rise to your claim(s) occur?

Additions

II. Basis for Jurisdiction

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B. If the Basis for Jurisdiction Is Diversity of Citizenship

2. The Defendant(s)

a. If the defendant is an individual

The defendant, Jean Stothert, is a citizen of the State of Nebraska.

The defendant, Todd Schmaderer, is a citizen of the State of Nebraska.

The defendant, Marty Bilek, is a citizen of the State of Nebraska.

The defendant, Brian Schmaderer, is a citizen of the State of Nebraska.

The defendant, Lukas Brazier, is a citizen of the State of Nebraska.

The defendant, Kristin Mraz, is a citizen of the State of Nebraska.

The defendant, Reginald Johnson, is a citizen of the State of Nebraska.

The defendant, Sean Moppin, is a citizen of the State of Nebraska.

The defendant, Michelle Peters, is a citizen of the State of Nebraska.

The defendant, Marty Bilek, is a citizen of the State of Nebraska.

The defendant, Thomas Warren, is a citizen of the State of Nebraska.

Additions

I. The Parties to This Complaint

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known). Attach additional pages if needed.

Defendant No. 5

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Employee for the City of Omaha and in his individual capacity

Defendant No. 9

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Attorney/Employee for/of the City of Omaha and her individual capacity

Defendant No. 10

Marty Bilek

Mayor's Chief of Staff/Employee for/of the City of Omaha and in his individual capacity

Additions

Defendant No. 11

Thomas Warren

Mayor's Chief of Staff/Employee for/of the
City of Omaha and in his individual capacity

September 1, 2020.

- C. What are the facts underlying your claim(s)? (For example: *What happened to you? Who did what? Was anyone else involved? Who else saw what happened?*)

The defendants towed and kept my legally parked vehicle with its contents unlawfully. The City of Omaha and the defendants refused repeatedly to return the car and its contents to me, the owner. The car was my only form of transportation. While in the City of Omaha's possession, my property was damaged and used without compensation to me, the owner. Despite promises that my property would not be sold at auction, The City of Omaha sold my personal property and transferred the title to my vehicle to the City of Omaha.

IV. Irreparable Injury

Explain why monetary damages at a later time would not adequately compensate you for the injuries you sustained, are sustaining, or will sustain as a result of the events described above, or why such compensation could not be measured.

My person and my property were seized by the City of Omaha and its employees.

V. Relief

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

VI. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: Aug. 31, 2023

Signature of Plaintiff

Printed Name of Plaintiff

B. For Attorneys

Date of signing:

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Street Address

State and Zip Code

Telephone Number

E-mail Address